BEFORE THE
OFFICE OF ADMINISTRATIVE HEARINGS
STATE OF CALIFORNIA

IN THE CONSOLIDATED MATTERS INVOLVING:

PARENT ON BEHALF OF STUDENT,

and

DEL MAR UNION SCHOOL DISTRICT.

OAH CASE NUMBER 2025090913

OAH CASE NUMBER 2025100909

ORDER GRANTING MOTION TO CONSOLIDATE ONLY AS TO STUDENT'S CASE NUMBER 2025090913

OCTOBER 29, 2025

On September 23, 2025, Parent on behalf of Student filed a request for due process hearing with the Office of Administrative Hearings, called OAH, in OAH case number 2025090913, Student's Case, naming Del Mar Union School District, called Del Mar Union. On September 25, OAH issued a scheduling order and set the prehearing conference, called PHC, for November 3, 2025, at 1:00 PM, and the due process hearing for November 13, 2025.

On October 22, 2025, Del Mar filed a due process hearing request in OAH case number 2025100909, Del Mar's Case, naming Parent on behalf of Student. On October

27, 2025, OAH issued an amended scheduling order and set the PHC for November 7, 2025, at 3:00 PM, and the due process hearing for November 18, 19, and 20, 2025.

On October 22, 2025, Del Mar filed a motion to consolidate Del Mar's Case and Student's Case. On October 24, 2025, Del Mar filed a supplement to the motion to consolidate. On October 24, 2025, Student filed a response to Del Mar's motion to consolidate. Student disagreed that consolidation was appropriate and argued that consolidation would delay adjudication of Student's Case.

On October 28, 2025, Del Mar Union filed a second supplement to the motion to consolidate. Del Mar Union asserted it was served with a new due process complaint by Student on October 28, 2025, and as a result there are currently seven pending due process complaints between the parties.

Del Mar requested consolidation of Student's Case and Del Mar's Case. Further, Del Mar requested that the five additional cases filed by Student against Del Mar be consolidated with Del Mar's Case. However, OAH only has record of the following additional cases filed by Student: OAH case number 2025091006 (filed on September 29, 2025); OAH case number 2025100192 (filed on October 6, 2025), and OAH case number 2025101037 (filed on October 24, 2025). In the event Student filed another due process complaint with OAH on October 28, 2025, such complaint has not yet been processed by OAH.

No statute or regulation specifically provides a standard to be applied in deciding a motion to consolidate special education cases. However, OAH will generally consolidate matters that involve the same parties, a common question of law and/or fact, and when consolidation of the matters furthers the interests of judicial economy by saving time or preventing inconsistent rulings. (See Gov. Code, § 11507.3, subd. (a)

[administrative proceedings may be consolidated if they involve a common question of law or fact]; Code of Civ. Proc., § 1048, subd. (a) [same applies to civil cases].)

Student's Case alleges Del Mar denied him a free appropriate public education, called FAPE, by failing to timely hold an individualized education program, called IEP team meeting to review Del Mar's occupational therapy assessment.

Del Mar's Case alleges that it conducted an occupational therapy assessment pursuant to an assessment plan signed by Parent on May 19, 2025, and reviewed it at a September 25, 2025, IEP team meeting. Del Mar's complaint alleges Parent requested an independent educational evaluation in occupational therapy at public expense at the September 25, 2025, IEP team meeting and in an email dated October 2, 2025. Del Mar alleges that on October 9, 2025, it issued a prior written notice advising Student's parent that it believed its occupational therapy assessment was appropriate and declined to fund an independent educational evaluation at public expense. Del Mar's sole issue is whether its September 10, 2025, occupational therapy assessment is appropriate such that Student is not entitled to an independent educational evaluation in occupational therapy at public expense.

Both cases involve a common question of law or fact, specifically the appropriateness of Del Mar's September 10, 2025, occupational therapy assessment. Student's challenge to the timeliness of the IEP team meeting to review the occupational assessment is closely related to the appropriateness of the evaluation. Here, consolidation furthers the interests of judicial economy because both cases involve the same parties, the same assessment, and the same school year. Further, many of the same witnesses will be required to testify in each proceeding. Accordingly, consolidation is granted.

When consolidating cases, OAH designates a case whose statutory timelines will apply to the consolidated matter. Here, the statutory timeline shall be controlled by Student's Case, OAH case number 2025090913. The hearing dates in Del Mar's Case are vacated, and the consolidated cases will proceed on the dates set in Student's Case.

Del Mar's request to consolidate the other cases filed by Student is denied. Del Mar argues a single hearing involving Student's other complaints will promote judicial economy because they involve overlapping facts, including assessments and IEP team meetings to review the assessments. Although judicial economy would be served by hearing all Student's issues in one consolidated case, here, there is more than one operative complaint from Student with differing statutory timelines. Consolidation in this instance does not serve judicial economy. This is particularly true when another procedure, namely a motion to amend and an amended complaint, is an available option and allows multiple complaints by the same party to be adjudicated in a single action.

A parent without an attorney may request that OAH provide a mediator to assist the parent in identifying the issues and proposed resolutions that must be included in a complaint. (Ed. Code, § 56505.) In addition, mediator assistance is available to provide guidance on the procedure for amending a complaint to include all of Student's issues in one request for due process hearing. Parent is strongly encouraged to contact OAH for assistance if they intend to amend their due process hearing request to include all issues in one complaint.

ORDER

1. Del Mar's motion to consolidate is granted only as to Student's Case, OAH case number 2025090913.

2. Student's Case, OAH case number 2025090913, is designated as the primary case. All dates previously set in Del Mar's Case, OAH case number 2025100909, are vacated. The consolidated cases will proceed on the dates currently set in Student's Case, OAH case number 2025090913.
3. The PHC in the consolidated case shall be held on November 3, 2025, at 1:00 PM, and the due process hearing shall be held on November 13, 2025, beginning at 9:30 AM and ending at 3:30 PM, and continuing day to day as needed at the discretion of the Administrative Law Judge.
4. The 45-day timeline for issuance of the decision in the consolidated cases shall be based on the date of the filing of the complaint in Student's Case, OAH case number 2025090913.

IT IS SO ORDERED.

Jennifer Kelly

Jennifer Kelly
Administrative Law Judge
Office of Administrative Hearings